



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 4260-01
10 January 2002

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 January 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 25 May 1948 at age 17. The record shows that prior to the offense for which you received the punitive discharge, you received nonjudicial punishment on one occasion and were convicted by a deck court. Your offenses were an unauthorized absence of about two days, disobedience, and possession of a white hat belong to another sailor.

A general court-martial convened on 2 February 1951 and convicted you of an unauthorized absence of about 80 days. The court sentenced you to reduction to pay grade E-1, forfeiture of all pay and allowances, confinement at hard labor for six months and a bad conduct discharge. On 21 May 1951, you elected to waive your right to request restoration to duty. The bad conduct discharge was issued on 14 July 1951.

It its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and the character references you submitted which attest to the fact that you have been a good citizen for many years. You state that you need a better discharge so that you can get help paying for your medications. The Board found that these

factors were not sufficient to warrant recharacterization of your discharge given your conviction by a general court-martial of a serious wartime offense. In reaching its decision, the Board noted that the 80 day period of unauthorized absence was only terminated by your apprehension and you did not desire restoration to duty. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director